

### **REMARKS**

Claims 1-13 are pending in the present application.

In the Office Action, claims 1, 2, and 5-13 were rejected under 35 U.S.C. § 103(a) as allegedly being obvious over Harrison (U.S. Patent No. 6,154,485) in view of Goeddel (U.S. Patent No. 6,546,026). Claims 3-4 were rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Harrison in view of Goeddel and further in view of Forssen, et al (U.S. Patent No. 6,173,014)

According to MPEP §706.02(l)(1), “effective November 29, 1999, subject matter which was prior art under former 35 U.S.C. 103 via 35 U.S.C. 102(e) is now disqualified as prior art against the claimed invention if that subject matter and the claimed invention ‘were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person.’ ” The present application was filed on or after November 29, 1999. Furthermore, the present application and Goeddel were, at the time the present invention was made, owned by the same entity or subject to an obligation of assignment to the same entity (Lucent Technologies). Thus, Applicants respectfully submit that Goeddel is not available as prior art in any obviousness determination.

Applicants respectfully request that the Examiner's rejections of claims 1-13 under 35 U.S.C. § 103(a) be withdrawn.

For the aforementioned reasons, it is respectfully submitted that all claims pending in the present application are in condition for allowance. The Examiner is invited to contact the undersigned at (713) 934-4052 with any questions, comments or suggestions relating to the referenced patent application.

Respectfully submitted,

/Mark W. Sincell/

Mark W. Sincell, Ph.D., Reg. No. 52,226

Williams Morgan & Amerson, P.C.

10333 Richmond Avenue, Suite 1100

Houston, TX 77042

(713) 934-7000

(713) 934-7011 (Fax)

AGENT FOR APPLICANTS

Date: October 17, 2006